

REMARKS/ARGUMENTS

The Official Action has been carefully considered, and the Examiner's comments are duly noted. Reconsideration of this Application, in view of amendment to claim 1, effectively amending all of the claims, is respectfully solicited..

The subject matter of this Application and the cited Curington, U.S. Patent No. 3,692,122 are directed to different specific technologies. The amendment of claim 1 is intended to bring out this difference. The definitions of the upper chamber as recited in claim 1 as filed was directed to Applicant's specific technology. The technology to which the present invention relates and specifically the "upper chamber" has been further defined so that no new search is necessary, and this Amendment After Final should place the Application into condition for allowance. The Applicant reads the "upper chamber" in claim 1 prior to the Amendment now submitted differently from the Examiner, and Applicant believes that the Examiner may have read or imparted to "upper chamber" too broad a meaning, or a somewhat different meaning. It is for this reason claim 1 was amended.

The Examiner should consider this technology different from the technology of the Curington '122 patent, and it should be noted that drills of this kind have an impact (upper) chamber and a return (lower) chamber. It is these chambers which, using the language of a person skilled in the art, to which claim 1 specifically refers. It is also respectfully submitted that according to Applicant's interpretation, this is also the only interpretation that a skilled person, such as the Applicant, would give the claim on a reading of the specification. Nonetheless, Applicant submits the accompanying Amendment to make this clear.

The amended claim 1 also, it is respectfully submitted, avoids any argument that the annular inlet passage (30) in Fig. 1A of Curington is an anticipation of this feature. The "upper impact chamber" is shown most clearly in Fig. 2A of Curington. It comprises impact passage (57) and chamber (65) and is fed compresses air when side port (58) is placed in communication with inlet ports (28). The "upper impact chamber" as referred

to exhaust through exhaust ports (41a) through the side of the hammer (and not past the inner end of the bit).

Based on the amended claim 1 and what has been set out above it is respectfully submitted that this independent claim 1, together with the dependent claims, are allowable.

If there are any points outstanding, the Examiner is respectfully asked to contact Applicant's attorney in order to do what is necessary, if anything, to place this Application into condition for allowance.


If any fees are needed, please charge them to our Deposit Account 50-3108.

Early and favorable reconsideration is respectfully solicited, together with the allowance of this Application, is respectfully solicited.

Respectfully submitted,

LACKENBACH SIEGEL, LLP
Attorneys for Applicant(s)

By:


J. Harold Nissen
Reg. No. 17283
Telephone No.: 914-723-4300
Direct No.: 914-723-0278
Fax No.: 914-723-4301